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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,379	02/14/2002	Kohji Hashimoto	JP9-2001-0021-US1	1345

7590 08/31/2005

David A. Mims, Jr.
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EXAMINER

LAZARO, DAVID R

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 08/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/076,379

Applicant(s)

HASHIMOTO, KOHJI

Examiner

David Lazaro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/23/04, 11/12/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the amendment filed 06/27/05.
2. Claims 1, 3, 5, 7, 9, 11, 13, 15 and 17-35 were amended.
3. Claims 1-35 are pending in this office action.

Response to Amendment/Arguments

4. Applicant's arguments with respect to claims 1-35 have been considered but are moot in view of the new ground(s) of rejection. Specifically, U.S. Patent 6,392,993 by Hamilton is combined with U.S. Patent 6,629,149 by Fraser to show the limitations regarding "the unchangeable permanent ID" to which applicants' arguments are directed, are obvious.
5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,392,993 by Hamilton (Hamilton) in view of U.S. Patent 6,629,149 by Fraser et al. (Fraser).

8. With respect to Claims 1,3, 27 and 30, Hamilton teaches a network system and program that supports unicast as a communication scheme from a server to one client in a network, multicast as a communication scheme from the server to all the clients in a predetermined group, and broadcast as a communication scheme from the server to all the clients in the network, wherein said server comprises:

a ID information storage section for storing IDs of each of the clients, wherein each of the clients is granted a ID that is identifiable (see col. 12 lines 25-32, a source and destination ID are maintained); and

a polling transmission section for transmitting a packet for polling to the clients by means of broadcast or multicast, wherein the packet contains information about the IDs of the clients that need or need not reply to the polling (see col. 3 lines 32-41, the client needs only to acknowledge every Nth packet); and

wherein said client comprises: a ID information storage section for storing its own ID information; a determination section for determining whether or not to reply based on whether its own ID is contained in the packet for polling that has been received by means of broadcast or multicast (see col. 28 lines 19-67, client maintains a list of the received packets and determines whether an acknowledgment is required based on the flag in the packet where the flag is set every nth packet); and a reply section for replying or not replying to the server based on the determination made by said determination section (see col. 28 lines 19-67).

Hamilton does not explicitly disclose the id is a permanent ID such that each of the clients is granted an unchangeable permanent ID in a textual representation that is

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mutually identifiable and permanent. Fraser teaches the use of a permanent ID such that each of the clients is granted an unchangeable permanent ID in a textual representation that is mutually identifiable and permanent (Col. 8 line 58 - Col. 9 line 11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the system disclosed by Hamilton and modify it as indicated by Fraser such that the ID is a permanent ID, wherein each of the clients is granted an unchangeable permanent ID in a textual representation that is mutually identifiable and permanent. One would be motivated to have this, as there is need for providing a persistent, globally unique identity for devices that can be coupled to the network (In Fraser: Col. 3 lines 52-63).

9. With respect to Claim 2 and 4, Hamilton in view of Fraser teaches the network system according to claims 1 and 3 respectively, wherein said polling is associated with non-receipt at said server of an ACK or NACK from said clients in response to transmission of file data from said server to said clients (In Hamilton: see col. 28 lines 19-67).

10. With respect to Claims 5, 11, 17-18, 26, 29, 31-32 and 35, Hamilton teaches a client in a network system, method and program that supports unicast as a communication scheme from a server to one client in a network, multicast as a communication scheme from the server to all the clients in a predetermined group, and broadcast as a communication scheme from the server to all the clients in the network, comprising:

a ID information storage section for storing its own ID information, wherein each of the clients is granted a ID that is identifiable (see col. 12 lines 25-32);

a determination section for determining whether or not to reply based on whether its own ID is contained in the packet for polling that has been received by means of broadcast or multicast (see col. 28 lines 19-67); and

a reply section for replying or not replying to the server based on the determination made by said determination section (see col. 28 lines 19-67).

Hamilton does not explicitly disclose the id is a permanent ID such that each of the clients is granted an unchangeable permanent ID in a textual representation that is mutually identifiable and permanent. Fraser teaches the use of a permanent ID such that each of the clients is granted an unchangeable permanent ID in a textual representation that is mutually identifiable and permanent (Col. 8 line 58 - Col. 9 line 11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the client disclosed by Hamilton and modify it as indicated by Fraser such that the ID is a permanent ID, wherein each of the clients is granted an unchangeable permanent ID in a textual representation that is mutually identifiable and permanent. One would be motivated to have this, as there is need for providing a persistent, globally unique identity for devices that can be coupled to the network (In Fraser: Col. 3 lines 52-63).

11. With respect to claims 6 and 12, Hamilton in view of Fraser teaches the client according to claims 5 and 11 respectively, wherein said polling is associated with non-

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receipt at said server of an ACK or NACK from said clients in response to transmission of file data from said server to said clients, and wherein said reply section puts its client's own permanent ID information in a reply packet to said server (In Hamilton: see col. 12 lines 25-32).

12. With respect to claims 7, 9, 19-23 and 28, Hamilton teaches a network system and program that supports unicast as a communication scheme from a server to one client in a network, multicast as a communication scheme from the server to all the clients in a predetermined group, and broadcast as a communication scheme from the server to all the clients in the network, wherein said server comprises:

- a ID information storage section for storing of each of the clients, wherein each of the clients is granted a ID that is identifiable (see col. 12 lines 25-54);

- a notification of information transmission section for transmitting a packet for notification of information to the clients by means of broadcast or multicast, wherein the packet contains information about the IDs of the clients that need or need not reply to a polling packet sent afterward (see col. 12 lines 25-54); and

- a polling transmission section for transmitting a packet for polling to the clients by means of broadcast or multicast after said notification of information transmission section transmits the packet for notification of information (see col. 3 lines 32-41, the client needs only to acknowledge every Nth packet), and wherein said client comprises:
 - a ID information storage section for storing its own ID information (see col. 28 lines 19-67);

a determination section for determining whether or not to reply to the polling afterward based on whether its own ID is contained in the packet for notification of information that has been received by means of broadcast or multicast (see col. 28 lines 19-67); and

a reply section for replying or not replying to said server in response to the packet for polling received by means of broadcast or multicast based on the determination made by said determination section after receipt of the packet of said notification of information (see col. 28 lines 19-67).

Hamilton does not explicitly disclose the id is a permanent ID such that each of the clients is granted an unchangeable permanent ID in a textual representation that is mutually identifiable and permanent. Fraser teaches the use of a permanent ID such that each of the clients is granted an unchangeable permanent ID in a textual representation that is mutually identifiable and permanent (Col. 8 line 58 - Col. 9 line 11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the system disclosed by Hamilton and modify it as indicated by Fraser such that the ID is a permanent ID, wherein each of the clients is granted an unchangeable permanent ID in a textual representation that is mutually identifiable and permanent. One would be motivated to have this, as there is need for providing a persistent, globally unique identity for devices that can be coupled to the network (In Fraser: Col. 3 lines 52-63).

13. With respect to claims 8 and 10, Hamilton in view of Fraser teaches the network system according to claims 7 and 9 respectively, wherein said notification of information is associated with receipt or non-receipt at said server of an ACK or NACK from said clients in response to transmission of file data from said server to said clients, and wherein said polling is associated with non-receipt at said server of an ACK or NACK from said clients in response to the transmission of the file data from said server to said clients (In Hamilton: see col. 28 lines 19-67).

14. With respect to claims 13, 15, 24-25 and 33-34, Hamilton teaches a network system and program that supports unicast as a communication scheme from a server to one client in a network, multicast as a communication scheme from the server to all the clients in a predetermined group, and broadcast as a communication scheme from the server to all the clients in the network, wherein said server comprises:

a ID information storage section for storing IDs of each of the clients, wherein each of the clients is granted a ID that is mutually identifiable and (see col. 12 lines 15-54);

a polling transmission section for polling the clients from which an ACK or NACK has not been received after file data was transmitted to the clients by means of broadcast or multicast, wherein in a polling mode with non-receipt information, a packet for polling itself or notification of information prior to the polling is transmitted to said network by means of broadcast or multicast, wherein the packet contains IDs of the clients that need reply to the polling, whereas in a polling mode with receipt information, a packet for polling itself or notification of information prior to the polling is transmitted to

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said network by means of broadcast or multicast, wherein the packet contains ID of the clients that need not reply to the polling (see col. 28 lines 19-67);

a detection section for detecting a number N of clients from which an ACK or NACK has not been received in response to the transmission of the file data from the server to the clients by means of broadcast or multicast (see col. 28 lines 19-67); and

a switching section for switching between the polling mode with non-receipt information and the polling mode with receipt information in said polling transmission section based on the number N (see col. 3 lines 32-41 and col. 28 lines 19-67), and wherein said client comprises: a ID information storage section for storing its own ID information (see col. 28 lines 19-67);

determination section for determining whether or not to reply to the polling based on whether its own ID is contained in the packet for polling itself or notification of information prior to the polling that has been received by means of broadcast or multicast; and a reply section for replying or not replying to said server in response to the packet for polling received by means of broadcast or multicast based on the determination made by said determination section (see col. 28 lines 19-67).

Hamilton does not explicitly disclose the id is a permanent ID such that each of the clients is granted an unchangeable permanent ID in a textual representation that is mutually identifiable and permanent. Fraser teaches the use of a permanent ID such that each of the clients is granted an unchangeable permanent ID in a textual representation that is mutually identifiable and permanent (Col. 8 line 58 - Col. 9 line 11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the system disclosed by Hamilton and modify it as indicated by Fraser such that the ID is a permanent ID, wherein each of the clients is granted an unchangeable permanent ID in a textual representation that is mutually identifiable and permanent. One would be motivated to have this, as there is need for providing a persistent, globally unique identity for devices that can be coupled to the network (In Fraser: Col. 3 lines 52-63).

15. With respect to claims 14 and 16, Hamilton in view of Fraser teaches the network system according to claims 13 and 15 respectively, wherein the switching section determines, based on N, which makes the number of packets to be transmitted smaller, the polling mode with non-receipt information or the polling mode with receipt information, and based on the determination switches between the polling mode with non-receipt information and the polling mode with receipt information in said polling transmission section (In Hamilton see col. 28 lines 19-67).

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

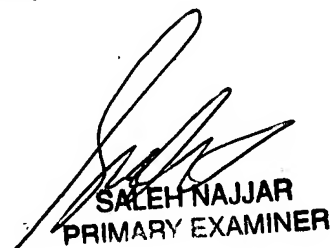
TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 571-272-3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David Lazaro
August 30, 2005


SALEH NAJJAR
PRIMARY EXAMINER